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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,729	06/22/2006	Herbert Wagner	KIRCHNER	9941
20151 7590 08/28/2007 HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			EXAMINER DESAI, NAISHADH N	
			ART UNIT 2834	PAPER NUMBER
			MAIL DATE 08/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/596,729	WAGNER ET AL.	
	Examiner	Art Unit	
	Naishadh N. Desai	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/22/2006, 4/2/2007</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/22/2006 and 4/2/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

3. The disclosure is objected to because of the following informalities: Applicant shows an element (13) in figure 8, which is not described in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (US 6443295).

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5. As per independent claim 1:

A rotary support for mounting an electric machine (abstract of Hill) in a tubular structure (Fig 1, 12 of Hill) or a bore, comprising (Fig 1 of Hill):

a hollow-cylindrical body arranged in a radial direction between the electric machine and the tubular structure or the bore, for torque transmission from the electric machine to the tubular structure or the bore and (Fig 1 of Hill)

an elastic connection device (Fig 1, 96) arranged on an outer circumference of the hollow-cylindrical body for elastic connection of the hollow-cylindrical body with the tubular structure or the bore (Fig 1, 96).

6. As per dependent claim 2:

Fig 1, 96 shows a o-ring which is well known in the art to be detachably connected to the tubular structure of claim 1.

7. As per dependent claim 3:

Figure 1 of Hill shows element 96 to completely surround the circumference of the hollow cylindrical body at one or more axial areas.

8. As per dependent claim 10:

Figure 1, 94 is an annular groove (fixing element) in which the o-ring (element 96) is received in. Col 4 lines 53-57.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-9, 12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (US 6443295) in view of Page et al (US 4399598).

10. As per dependent claim 4:

Figures 2 and 3 of Page et al shows the elastic connection device (element 50) and Col 2 lines 2-8.

11. As per dependent claims 5 and 6:

Element 96 of Figure 1 of Hill is an illustration of an o-ring. It is well known in the art to make o-rings of elastic material like rubber or the like. Hill discloses the claimed invention except for explicitly mentioning the material used for the o-rings. It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to use o-rings made of an elastic material like rubber or the like, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416

12. As per dependent claim 7:

Figure 1,96 of Hill and also Col 4 lines 47-67.

13. As per dependent claim 8:

Figures 2 and 3 of Page et al shows the elastic connection device (element 50). Also Col 5 line 34.

14. As per dependent claim 9:

Col 5 lines 34-55 of Page et al disclose the use of a tolerance ring that can be modified as a result of external pressure.

15. As per dependent claims 12:

Hill discloses the claimed invention except for the shape of the o-ring to be conical. It would have been an obvious matter of design choice to make the o-ring in a conical shape, since such a modification would have involved a mere change in the shape of a

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component. A change in shape is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955)

16. As per dependent claims 14-16:

Col 1 lines 67-68 and Col 2 lines 1-8 of Page et al disclose the use of an elastic connection device made of material such as natural or synthetic rubber.

Hill discloses the device as in claim 1 above. Hill does not disclose the elastic connection device to have components spaced on the outer surface area of the hollow cylindrical body. Page et al teaches the use of o-rings made of rubber, tolerance rings made of metal, which can modify its shape as a result of external pressure. It would have been obvious at the time the invention was made to modify the device of Hill with the teachings of Page et al to make a motor (rotary support) with o-rings and tolerance rings of metal. The motivation to do so is that it would allow for the roll to compress radially, expand circumferentially (Col 5 lines 34-55 of Page et al) and this would improve the flexibility of the rotary support.

17. As per dependent claim 17:

Hill discloses the claimed invention except for the elastic connection device to be arranged conically. It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the elastic connection device in a conical shape in relation to the length axis of the hollow cylindrical body, since it has been held

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that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Claims 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (US 6443295) in view of Biancalani (US 5469608).

18. As per dependent claims 11 and 13:

Abstract and Figure 3 of Biancalani show the cooling channels as part of a cooling circuit in the hollow cylindrical body to be in longitudinal direction with the tubular structure for circulating the coolant (also Col 3 lines 19-38).

Hill teaches the device of claim 1 above. Hill does not disclose the use of cooling channels in the motor structure. Biancalani teaches the use of cooling paths and channels to cool the motor. It would have been obvious to a person having ordinary skills in the art to modify the device of Hill to have cooling paths or channels to cool the motor. The motivation to do so is that it would allow for heat dissipation from the motor directly to the outside (Col 1, line 22) and to further limit the temperature of the motor components and allow for cyclic reversal of the cooling flow (Col 3 lines 20-21 and 37-38 of Biancalani).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hall teaches a zoned transport conveyor with automatic zone start-up and shut-down. Haan teaches a conveyor roller with brake.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naishadh N. Desai whose telephone number is (571) 270-3038. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Naishadh N Desai
Patent Examiner


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